

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - September 13, 1972

Application No. 11135 - J. Gordon Bell, appellant

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried in the absence of Mr. Scrivener, the following Order of the Board was entered at the meeting of September 25, 1972.

ORDERED:

That the application for variance from the rear yard and lot occupancy and side yard requirements of the R-5 District to permit second story addition to garage at 114 F Street, S.E., Lot 845, Square 877, be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District (zone of general residences, medium density).
2. Applicant seeks a variance from the lot occupancy, side yard and rear yard requirements to enable it to construct a second story to the existing garage.
3. The present use of the garage is for storage, however applicant desires space in which to put his automobile. At the present time he must park it on the street. A second story would accommodate the storage making the present level available for his automobile.
4. Applicant requests this variance pursuant to Section 8201.1 which obligates the owner to make a showing of undue hardship in the use of enjoyment of his property.
5. The lot dimensions for lot 845 are 38 feet deep and 16.63 feet in width.
6. The D.C. Zoning Regulations requires a side yard of a minimum of 8 feet with lot occupancy not to exceed 60 percent. The rear yard is to be no less than 15 feet.

7. It is applicant's intention to make the second story a storage area and add improvements of a floor drain and cold water spigot for washing the car.

8. Opposition was voiced at both the hearing by Arthur Fox, representing surrounding neighbors and by letters and petitions submitted to the file by the Capitol Hill Restoration Society.

9. The subject property was not posted in accordance with the D.C. Zoning Regulations. Notice is to be posted on the property (subject) proper a minimum of ten days preceding the hearing date.

OPINION:

In essence this request for a variance from side, rear and lot occupancy requirements pursuant to Section 8207.1 cannot be granted. The salient factors in which the Board must consider this application are: the undue hardship or difficulty to the owner balanced against the potential detriment that may result to the public if such variance were in fact granted.

The Board, in reviewing the total record is satisfied that this neighborhood is already congested, suffers from extremely limited outdoor areas, and is presently threatened by the residential density. The Board is cognizant of the inconvenience that the applicant endures, but further notes that surrounding residents on Archibald Walk and the immediate area also are without garages and are short of living space as well as storage space.

The subject property on which applicant proposes to construct this second story is located 25 feet from windows, doors, personal living areas of another persons property.

To grant this particular variance to applicant would be selective treatment for applicant at the expense of surrounding residents, this the Board will not do.

The Board takes additional note that this property was not adequately posted as to give the neighborhood notice of the proceedings. This is in violation of the Zoning Regulations and is a procedural defect which is fatal to the application.

We are of the opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: \_\_\_\_\_  
GEORGE A. GROGAN  
Secretary of the Board